

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GEM YIELD BAHAMAS LIMITED and GEM
GLOBAL YIELD LLC SCS,

Petitioners,

vs.

MULLEN TECHNOLOGIES, INC. and
MULLEN AUTOMOTIVE, INC.,

Respondents.

Case No. 1:24-cv-01120-KPF

Related Case No. 1:23-cv-11268-KPF

**NOTICE OF CROSS-MOTION TO VACATE INTERIM MEASURES
ARBITRATION AWARD AND TO STAY APPLICATION TO CONFIRM**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Opposition to Petitioners' Application to Confirm Interim Measures Arbitration Award and in Support of Respondents' Cross-Motion to Vacate Interim Measures Arbitration Award and to Stay Application to Confirm, the Declaration of David K. Momborquette and the exhibits attached thereto, and the Declaration of Jonathan New, Respondents Mullen Technologies, Inc. and Mullen Automotive, Inc. (collectively, "Respondents"), by their undersigned attorneys, will petition this Court, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, on a date and time to be set by the Court, pursuant to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 9 U.S.C. § 202 *et seq.*, and the Federal Arbitration Act, 9 U.S.C. § 10 *et seq.*, for an Order (i) vacating, under the Court's primary jurisdiction, an interim measures arbitration award (the "Interim Award") issued on January 24, 2024 by the arbitrator presiding over an arbitration proceeding between Respondents and Petitioners GEM Yield Bahamas Limited and GEM Global Yield LLC SCS (collectively,

“Petitioners”), entitled *GEM Yield Bahamas Limited and GEM Global Yield LLC SCS v. Mullen Technologies, Inc. and Mullen Automotive, Inc.*, AAA Case No. 01-21-0016-7001; (ii) staying the confirmation and enforcement of the Interim Award pending this Court’s resolution of a related action commenced by Respondents, entitled *Mullen Technologies, Inc. v. GEM Global Yield LLC SCS, et al.*, No. 1:23-cv-11268-KPF (S.D.N.Y.) (the “Related Action”); and (iii) granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Petitioners’ deadline to respond to the instant Cross-Motion is as set forth in Local Civil Rule 6.1(b) of the Local Rules of the United States District Courts for the Southern and Eastern District of New York (the “Local Rules”), and that a hearing, if any, will be set as provided by Local Civil Rule 6.1(c) of the Local Rules.

Dated: New York, New York
March 1, 2024

Respectfully Submitted,

McDERMOTT WILL & EMERY LLP

By: /s/ David K. Momborquette
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*Attorneys for Respondents Mullen Automotive, Inc.
and Mullen Technologies, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, on March 1, 2024, I caused the foregoing Memorandum of Law in Opposition to Petitioners' Application to Confirm Interim Measures Arbitration Award and in Support of Respondents' Cross-Motion to Vacate Interim Measures Arbitration Award and to Stay Application to Confirm to be served on the following counsel for Petitioners via email. The following counsel have confirmed that they represent Petitioners in this action and provided written consent to electronic service via email.

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/s/ *David K. Momborquette*
David K. Momborquette